

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Revision of the Commission's)
Rules to Ensure Compatibility)
with Enhanced 911 Emergency)
Calling Systems)

CC Docket No. 94-102
RM-8143

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COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys, hereby submits its comments on the petitions for reconsideration of the Commission's Phase II E-911 Implementation Order.^{1/} AT&T agrees with Sprint PCS that, given the current state of Phase II technology, wireless carriers will not be able to meet either the accuracy or the timing requirements adopted in that order without some relief from the Commission.^{2/} AT&T does not take a position on the specific solution proposed by Sprint. If the Commission decides that Sprint's proposal serves the public interest, however, it should grant Sprint a waiver of the Phase II implementation rules rather than revising its rules to accommodate Sprint's proposal. Revising the Commission's rules in

^{1/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, Third Report and Order, FCC 997-245 (rel. Oct. 6, 1999) ("Phase II E-911 Implementation Order").

^{2/} See generally Petition for Reconsideration of Sprint PCS, filed December 6, 1999 ("Sprint Petition"). AT&T also supports Nokia's and Motorola's request for reconsideration of the rules that establish the implementation dates for handset-based solutions. Petition for Reconsideration of Nokia Inc. and Motorola, Inc., filed December 6, 1999 ("Nokia/Motorola Petition"). As handset manufacturers, Nokia's and Motorola's concerns about whether the current deadlines are realistic and beneficial to consumers should be given substantial weight.

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response to a particular proposal could tilt the rules to advantage a particular carrier and thereby distort the competitive CMRS marketplace.

DISCUSSION

The Phase II E-911 Implementation Order revised the Commission's E-911 rules to permit handset-based solutions, or hybrid solutions using both handsets and networks, to compete with network-based solutions in providing Phase II ALI services. Despite the Commission's stated goal of permitting "the broadest range of technical solutions to be employed to achieve ALI compliance,"^{3/} Sprint is correct that the Commission effectively has approved only two ALI solutions: (1) a "cell site/hardware-based network solution" and (2) a "GPS-based handset solution."^{4/} Sprint claims that neither of these two solutions is viable for CDMA carriers within the timeframes that the Commission and the public safety community desire.^{5/} Therefore, Sprint requests that the Commission reconsider its decision to dismiss Sprint's waiver request and approve Sprint's proposal to use a hybrid approach that provides location information using a combination of software-based network and handset solutions.^{6/}

AT&T agrees with Sprint that the Commission's current Phase II accuracy and timing requirements are simply not achievable given the existing state of Phase II technology. AT&T is firmly committed to providing its customers with Phase II ALI services, but like most wireless carriers, AT&T has not yet determined what technology will provide these services. AT&T is

^{3/} Phase II E-911 Implementation Order at ¶ 19.

^{4/} Sprint Petition at 3.

^{5/} Sprint Petition at 4-9.

^{6/} Sprint Petition at 9-15.

currently reviewing and evaluating all potential options for complying with these obligations on its network, but so far has been unable to confirm the availability of any nationally deployable, fully tested technology, either handset- or network-based, that will fully meet the accuracy standards and timing requirements dictated by the Commission's order.

Given the state of Phase II E-911 technology today, even with best efforts it is unlikely that AT&T will be able to satisfy the Commission's current timing and accuracy requirements. When Phase II solutions for carriers using TDMA technology become commercially available, AT&T will have a better sense of what accuracy and timing requirements are feasible. At that time, AT&T may need to seek a waiver or other relief from the Commission's rules.

Finally, AT&T takes no position on the specifics of Sprint's proposed hybrid solution. If the Commission determines that approval of Sprint's proposal is in the public interest, it should grant Sprint a waiver of the rules rather than revise the E-911 rules to accommodate that proposal. Revising the rules could provide an advantage to carriers using one particular transmission technology. Certainly CMRS customers are not benefited by rules that inadvertently displace market-driven decisionmaking with government fiat. Granting waivers on a case-by-case basis, by contrast, would be consistent with the Commission's policy of promoting "technological and competitive neutrality."^{7/}

^{7/} Phase II E-911 Implementation Order at ¶¶ 79-81.

CONCLUSION

As set forth above, AT&T agrees with Sprint that the Commission's current requirements regarding the timing and accuracy of Phase II implementation are simply not feasible. If the Commission determines to grant the relief requested by Sprint, however, it should treat Sprint's petition as a request for a waiver of the Commission's rules rather than a request for revision of those rules.

Respectfully submitted,

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February 22, 2000

CERTIFICATE OF SERVICE

I, Andrea D. Willis, hereby certify that a copy of the foregoing "Comments" of AT&T Wireless Services, Inc. in CC Docket No. 94-102 has been sent 1st Class Mail, U.S. postage prepaid, to the parties on the attached service list on February 22, 2000.



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